

**REMARKS**

Applicants have amended claims 9 and 17 to describe the support sheet as presenting a discontinuous structure. Support for this amendment is found on page 2 lines 17-20.

102 Rejection

The Examiner has rejected claims 9, 12 and 13 as anticipated by US 4,973,102 to Bien. Anticipation exists where each and every material element of a claim is found in a single reference. Applicants do not believe Bien discloses all elements of the amended claims.

Claim 9 of the present application, as amended, describes a fender support adapted to hold a fender “at a distance from the rigid part of the vehicle.” A support sheet “conforms to the inside face of the fender near the top edge,” is “supporting the top edge of the fender,” and “presents a structure that is discontinuous.” Claims 12 and 13 stand or fall with claim 9.

Bien discloses an automobile body having a metal substructure, and includes a metal mounting strip sub-assembly for attaching a plastic panel to the metal substructure. Bien discloses a mounting strip 16 to secure a molded plastic fender 14 to frame members 36 and 38 of a vehicle body frame 10. The assembly allows the fender to slide relative to the body frame in order to accommodate the different thermal expansion characteristics of the fender and the body frame (column 3, lines 9-17).

The Examiner argues Bien discloses a support sheet comprising support areas designated by reference numerals 24a, 24b, 24c and 24d. Applicants hereby incorporate

the arguments from their reply of 21 December 2007. By way of further explanation, Applicants note that Bien identifies these elements as “four slotted or elongated apertures 24a, 24b, 24c and 24d [are] formed in upright flange 26 of the metal angle 16”. Column 5, lines 46-48. In other words, the references 24a, 24b, 24c and 24d identify apertures or holes. Apertures or holes cannot be considered as areas for supporting the inside face of the fender. On the contrary, an aperture is a lack of material that does not support anything. As a result, the Examiner does not demonstrate that document Bien discloses a support sheet comprising support areas spaced apart from each other since apertures 24 are not and cannot be support areas.

Furthermore, figure 6 of Bien shows the upright flange 26 of the metal angle 16 is an elongated metal strip with a generally rectangular shape and the planar attachment plastic panel 18 of the fender is intended to conform to the upright flange 26. Consequently, the contact and the support between the upright flange 26 and the plastic panel 18 is continuous. Bien does not disclose the characteristic of claim 9 according to which the support sheet (the upright flange 26 of the metal angle 16) presents a structure that is discontinuous.

Amended claim 9 includes a “support sheet that presents a structure that is discontinuous.” Bien does not present a discontinuous support and, therefore, lacks at least one element of the claims. Bien cannot anticipate claims 9, 12 and 13.

103 Rejection

The Examiner rejects claims 10 as obvious in light of Bien, and claims 15 and 16 as obvious over Bien in view of US 6,641,191 to Berger. Claim 10 and 15-16 depend from claim 9 and are allowable as depending from an allowable claim.

The Examiner also rejects claims 14 and 17 as obvious over Bien in view of US 2003/0173802 to Kubota. Claim 17 includes all limitations of claim 9, 13 and 14, and is allowable because claim 9 is allowable. Further, Kubota is not prior art against the present application. Without Kubota, the 103 rejection against claims 14 and 17 must fail.

The Kubota application was filed on February 20, 2003, which is after the priority date of the claimed invention (February 12, 2003). Kubota's priority application is JP20020071311 and is written in Japanese. The JP '311 application published on September 25, 2003, which is over seven months after the priority date of the present application. US law does not grant prior art status to a foreign application filed in a non-English language and published after the priority date of a US application. Consequently, Kubota is not prior art against the present application and must be removed as a reference. Without Kubota, the obviousness rejection against claims 14 and 17 is moot.

Applicants also note that Bien does not teach or suggest a staircase shape including rupture starters formed therein. Bien does not deal with pedestrian head impacts and would not suggest to one skilled in the art the use of a breakable support. Bien does not teach nor suggest the support of claims 14 or 17, and cannot render obvious the claims.

In light of the above, Applicants submit pending claims 9-10 and 12-17 are allowable and the application is in condition for allowance. Early and favorable action is earnestly solicited.

Date: 23 July 2008  
3103 Wilmington Road  
New Castle, PA 16105  
Tel: 724-944-3452  
Fax: 724-270-1049  
Email: williams@comcast.net

Respectfully submitted,  
  
/james r. williams/  
  
James R. Williams  
Reg. No. 43,268